

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE GENETICALLY MODIFIED) 4:06MD1811 CDP
RICE LITIGATION)

This Order Relates to:

Stephen R. Hale, et al.) 4:09CV1689 CDP
v. Bayer AG, et al.

MEMORANDUM AND ORDER

Plaintiffs' move to file a second amended complaint,¹ in order to add a number of new plaintiffs. The amended complaint does not otherwise alter any of the plaintiffs' existing claims or allegations. Defendants object by referencing their arguments in previous motions. Because I find that defendants have not demonstrated that this amendment will cause them any undue prejudice and for the reasons stated in my Order of September 2, 2010 [#3332], I will grant plaintiffs' motion.

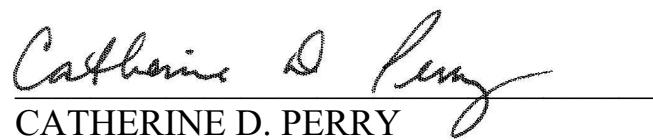
Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motion for leave to file a

¹Plaintiffs have actually filed two motions to file a second amended complaint. Although plaintiffs have not withdrawn their initial motion, it is apparent that plaintiffs wish to replace their initial motion with the motion they have titled a "supplemental" motion for leave to file a second amended complaint. As a result, this order addresses the supplemental motion for leave to file a second amended complaint and plaintiffs' initial motion will be denied as moot.

supplemental second amended complaint [#4030] is GRANTED. Plaintiffs' amended complaint is deemed filed as of this day.

IT IS FURTHER ORDERED that plaintiffs' motion for leave to file a second amended complaint [#3947] is DENIED as moot.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 24th day of February, 2011.